

### Remarks

The following is a response to the Office Action dated June 24, 2003 in which claims 1-3 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Davidson U.S. patent 4,050,457; claims 1-3 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shirley U.S. patent 5,511,543 in view of Davidson; and claims 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bertoch et al. U.S. patent application publication US2002/0092526 in view of Davidson

The present invention provides a seal around the nose or mouth by means of adhesive contact between a member and the skin surface.

Davidson (US4050457) describes a shield for use in mouth-to-mouth resuscitation. It is not adhesive except in one embodiment where it has localized adhesive regions at its ends for holding the shield on the face (column 2, lines 57 to 60). The Davidson device relies on the pressure of the rescuer's mouth against the shield to press it against the skin and prevent escape of air. The shield of Davidson does not have any adhesive region extending around the mouth or nose so, if attempts were made to use the shield with, for example, a ventilator, there would be insufficient pressure applied to the shield and the ventilation gas would escape under the shield. This device is only described in the context of mouth-to-mouth resuscitation.

By contrast, the device of the present invention provides an adhesive seal around the mouth or nose so that the device does not have to be held down against the face manually and so that an effective seal is provided to enable the device to be used with a ventilator or the like.

Shirley (US5511543) describes another mouth-to-mouth device. There is no mention in this document of any adhesive at all so this does not add anything to the Davidson device.

Bertoch (US2002/0092526) describes a shield 10 having integrally attached thereto a clamp 20, which is used to releasibly secure an endotracheal tube inserted to shield 10 to prevent the tube from moving. (Paragraph 0046) There is no disclosure in Bertoch of any adhesive contact of the shield with the patient's nose or mouth. Rather, Bertoch describes the addition of handles 12 to the shield, and the connection of a strap 13 to the handle so as to attach the shield to the patient by passing the trap around the patient's head. (Paragraph 0043) Furthermore, Bertoch does not disclose any transparent region or outer flexible adhesive region, as recited in claim 12.

In view of the foregoing, applicants respectfully submit that the instant invention is patentable over the prior art. Accordingly, the examiner is respectfully requested to reconsider the application and pass the case to issue at an early date.

Respectfully submitted,



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